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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,768	09/15/2003	Ramji Srinivasan	005242.000120	7275
22907	7590	03/15/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			PEZZUTO, HELEN LEE	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/661,768	Applicant(s) SRINIVASAN ET AL.	
	Examiner Helen L. Pezzuto	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12, 20-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. This application contains claims 1-12, 20-26 drawn to an invention nonelected without traverse in response filed on 5/13/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

2. Claims 1-12, and 20-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/13/05.

Response to Amendment

Applicant's cancellation of claims 13-19, and the addition of claims 27-35 filed in the response on 12/28/05 are acknowledged. Currently, claims 27-35 are under consideration in this application.

In view of applicant's 131 Declaration filed on 12/28/05, Rodrigues (US-241) is withdrawn as an applied reference.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reck et al. (US-464).

US 6,114,464 to Reck et al. discloses an aqueous formaldehyde-free binder composition, comprising an amine compound and an addition polymer. Prior art addition polymer comprises recurring units derived from at least one monoethylenically or diethylenically unsaturated acid monomer (col. 14, line 61 to col. 15, line 18), and up to 95 wt% of at least one further co-monomer (col. 15, lines 19-23). Suitable comonomers are taught within the scope of anionic, cationic and hydrophobic monomers (col. 15, line 24 to col. 16, line 36). Hydroxyalkyl (meth)acrylates and other hydroxyl group-containing monomers, which fall within the scope of the instant unsaturated hydroxyl monomers are taught to be the preferred comonomer by patentees (col. 15, line 58 to col. 16, line 3; lines 30-34). Aqueous free-radical solution polymerization process is expressly taught, and chain transfer agent is further suggested (col. 16, lines 37-65; col. 17, lines 43-55). Crosslinking agents are disclosed (col. 17, line 56 to col. 18, line 7).

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Prior art binder composition has utility in producing articles from fibrous material, including inorganic and mineral fibers (i.e. glass fibers) (col. 23, lines 1-16). Prior art discussed contain aqueous binder composition, comprising the instant adduct, having utility in making glass fiber products as presently claimed. Accordingly, it would have been obvious to one skilled in the art to select the ethylenically unsaturated acid monomer and comonomers suggested and copolymerize them in aqueous solution as taught, motivated by the reasonable expectation of success in producing glass fiber products. Thus, rendering obvious the present claims.

Response to Arguments

Applicant's amendment and remarks filed on 12/28/05 have been fully considered but are not found to be persuasive. Applicant urges that prior art intend to use the amine compound (1) as the sole source of hydroxyl groups for reacting with the addition polymer (2) as shown in the working examples, and thus, teaches away from the use of hydroxyalkyl (meth)acrylate as comonomer in forming addition polymer (2). The examiner disagrees as prior art clearly teaches the hydroxyalkyl (meth)acrylates species to be particularly preferred comonomers (col. 16, lines 30-36). This makes their selection readily envisaged by one having ordinary skill in the art. Obviousness

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does not require absolute predictability, so long as the motivation for their selection is provided. Accordingly, the examiner's position is maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

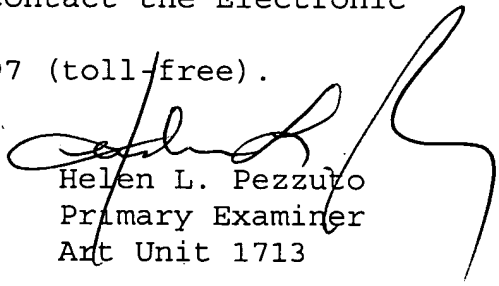
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization

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where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helen L. Pezzuto
Primary Examiner
Art Unit 1713

hlp